



MINUTES OF THE REGULAR MEETING  
OF THE PLANNING COMMISSION  
CITY COMMISSION CHAMBERS, CITY HALL  
THURSDAY, MARCH 18, 2010 3:30 P.M.

The Planning Commission of the City of Leesburg held its regular meeting Thursday, March 18, 2010, in the Commission Chambers at City Hall. Chairman Roland Stults called the meeting to order at 3:30 p.m. The following Commission members were present:

Roland Stults  
Jo Ann Heim  
Donald Lukich  
Wylie Hamilton  
Agnes Berry  
Charles Townsend

City staff present included Bill Wiley, Director; Yvette Brandt, Senior Planner; Amber Demott, Administrative Assistant II; and Fred Morrison, City Attorney.

The meeting opened with an invocation given by Commissioner Jo Ann Heim and the Pledge of Allegiance to the Flag.

Bill Wiley, Director, informed the audience of the rules of participation and the need to sign the speaker's registry. Bill Wiley also informed Commissioners and the audience of the City Commission meeting dates tentatively scheduled.

Amber Demott swore in staff as well as City Commissioner John Christian.

**MINUTES OF PLANNING & ZONING COMMISSION MEETING OF FEBRUARY 18, 2010.**

**Commissioner Wylie Hamilton moved to APPROVE the minutes as presented. Commissioner Agnes Berry SECONDED the motion which, PASSED by a unanimous voice vote of 6 to 0.**

**NEW BUSINESS:**

- 1. PUBLIC HEARING CASE # 007-1-031810 – LAKE SUMTER CHILDREN'S ADVOCACY CENTER – REZONING**  
AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING OF APPROXIMATELY 1.12 +/- ACRES FROM R-3 (HIGH DENSITY RESIDENTIAL) TO SPUD (SMALL PLANNED UNIT DEVELOPMENT) TO ALLOW FOR THE

EXPANSION OF THE ADVOCACY CENTER FOR A PROPERTY GENERALLY LOCATED ON THE NORTHEAST AND SOUTHEAST CORNERS OF S. CANAL STREET AND PINE STREET - **(POSTPONED INDEFINITELY)**

**Commissioner Donald Lukich made a motion to POSTPONE case # 007-1-031810 – LAKE SUMTER CHILDREN’S ADVOCACY CENTER – REZONING. Commissioner Jo Ann Heim SECONDED the motion which, PASSED by a voice vote of 6 to 0.**

2. **PUBLIC HEARING CASE # 009-0-031810 - CHRISTIAN WORSHIP CENTER – 826 MONTCLAIR ROAD - SMALL SCALE COMPREHENSIVE PLAN AMENDMENT**  
AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING THE FUTURE LAND USE DESIGNATION FROM COUNTY URBAN TO CITY LOW DENSITY RESIDENTIAL OF APPROXIMATELY 1.09 +/- ACRES, FOR A PROPERTY GENERALLY LOCATED EAST OF C.R.468, ON THE NORTH SIDE OF MONTCLAIR ROAD - **(CITY COMMISSION DATES - 1<sup>st</sup> READING ON APRIL 26, 2010 AND A 2<sup>ND</sup> READING ON MAY 10, 2010)**

Bill Wiley entered the exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, general location map, aerial photo, land use and zoning maps, flood zone and wetlands determination, community redevelopment area map, and site photos.

Yvette Brandt presented the following items on the overhead, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, community redevelopment area map, site photos and conceptual site plan.

No substantive comments received from the departments and no public comments were received.

Bill Wiley stated the staff recommendation is for approval for the following reasons:

- The project meets requirements of Florida Statutes for a small scale comprehensive plan amendment.
- The proposed future land use of Low Density Residential is compatible with adjacent properties and does not appear to be detrimental.
- The proposed future land use is compatible with the proposed zoning district of SPUD (Small Planned Unit Development).
- The request is consistent with the City’s Growth Management Plan.
- Action requested is to approve the request and forward to the City Commission for consideration subject to the approval of the annexation under case # 010-4-031810.

John Christian stated his name for the record and said he would be happy to answer any questions from the commission.

Charles Townsend asked if the use of the property was for a thrift store and beauty salon.

John Christian responded: “Yes, Sir. There is currently an existing building on the rear of the property that we propose to convert into a beauty salon and the thrift store building is proposed to be moved from another property onto the front of this property.

John Christian stated that he felt this request will be a positive impact on the surrounding community. There is currently a lot of negativity surrounding this property, a lot of drug activity taking place on this property. By doing something big with this property, it will eliminate the current drug activity and bring something positive to the community.

**Commissioner Donald Lukich made a motion to APPROVE case # 009-0-031810 - CHRISTIAN WORSHIP CENTER – 826 MONTCLAIR ROAD - SMALL SCALE COMPREHENSIVE PLAN AMENDMENT. Commissioner Agnes Berry SECONDED the motion which, PASSED by a voice vote of 6 to 0.**

**3. PUBLIC HEARING CASE # 008-1-031810 – CHRISTIAN WORSHIP CENTER – 826 MONTCLAIR ROAD – REZONING**

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING OF APPROXIMATELY 1.09 +/- ACRES FROM COUNTY RP (RESIDENTIAL PROFESSIONAL) TO CITY SPUD (SMALL PLANNED UNIT DEVELOPMENT) TO ALLOW FOR A CHURCH THRIFT STORE AND BEAUTY SALON FOR A PROPERTY GENERALLY LOCATED EAST OF C.R.468, ON THE NORTH SIDE OF MONTCLAIR ROAD - **(CITY COMMISSION DATES - 1<sup>st</sup> READING ON APRIL 26, 2010 AND A 2<sup>ND</sup> READING ON MAY 10, 2010)**

Bill Wiley entered the additional exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, planned development conditions as well as the exhibits previously entered.

No substantive comments received from the departments and no public comments were received.

Bill Wiley stated the staff recommendation is for approval for the following reasons:

- The proposed zoning district of SPUD is compatible with adjacent properties and does not appear to create a detriment to the surrounding properties.
- The proposed zoning is compatible with all adjacent properties future land use designations
- The rezoning is consistent with the City’s Growth Management Plan.

Bill Wiley stated the Planned Development Conditions as follows:

- The site is approximately 1.09 acres.
- The allowed uses are those permitted in the SPUD district to include church uses with accessory uses of a thrift store and beauty/barber salon as shown on the conceptual site plan dated February 4<sup>th</sup>, 2010 as revised.
- Hours of operation shall be restricted to 7am – 7pm for the thrift store and 7am – 8:30pm for the beauty/barber salon.

- Access to this property is currently from Montclair Road.
- Landscaping and buffer requirements shall meet the current code requirements for landscaping.
- A six foot high fence shall be constructed on the eastern and northern boundaries of the property.
- Conditions will expire 36 months from date of approval.

Fred Morrison pointed out that the legal description on the site plan does not match the exhibit presented within the conditions. The correct legal was retrieved from the warranty deed provided by the applicant and will be updated within the conditions prior to submittal to the City Commission.

**Commissioner Jo Ann Heim made a motion to APPROVE case # 008-1-031810 – CHRISTIAN WORSHIP CENTER – 826 MONTCLAIR ROAD – REZONING. Commissioner Agnes Berry SECONDED the motion which, PASSED by a voice vote of 6 to 0.**

4. **PUBLIC HEARING CASE # 012-0-031810 - CHRISTIAN WORSHIP CENTER – 907 C.R. 468 - SMALL SCALE COMPREHENSIVE PLAN AMENDMENT**  
AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING THE FUTURE LAND USE DESIGNATION FROM COUNTY URBAN TO CITY LOW DENSITY RESIDENTIAL OF APPROXIMATELY 4.3 +/- ACRES, FOR A PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF C.R.468, SOUTH OF LISA DARE DRIVE AND NORTH OF VEECH ROAD - **(CITY COMMISSION DATES - 1<sup>st</sup> READING ON APRIL 26, 2010 AND A 2<sup>ND</sup> READING ON MAY 10, 2010)**

Bill Wiley entered the exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, general location map, aerial photo, land use and zoning maps, flood zone and wetlands determination and site photos.

Yvette Brandt presented the following items on the overhead, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, community redevelopment area map, and site photos.

Bill Wiley stated for the record that the exhibits just presented also apply to the next case as well.

No substantive comments received from the departments and there was one public response for approval noted in the packet.

Bill Wiley stated the staff recommendation is for approval for the following reasons:

- The project meets requirements of Florida Statutes for a small scale comprehensive plan amendment.
- The proposed future land use of Low Density Residential is compatible with adjacent

- properties and does not appear to be detrimental to the surrounding properties
- The proposed future land use is compatible with the proposed zoning district of City R-2 (Medium Density Residential)
- The request is consistent with the City's Growth Management Plan.
- Action requested is to approve the request and forward to the City Commission for consideration subject to the approval of the annexation under the referenced case number.

Don Lukich asked John Christian what he planned to do with this property.

John Christian responded that it was to provide for future expansion of our current church next to this property.

Don Lukich, so you intend to build a bigger and better church facility.

Mr. Christian respond with a bigger, more beautiful facility with an adult day care in the rear of the property.

**Commissioner Wylie Hamilton made a motion to APPROVE case # 012-0-031810 - CHRISTIAN WORSHIP CENTER – 907 C.R. 468 - SMALL SCALE COMPREHENSIVE PLAN AMENDMENT. Commissioner Donald Lukich SECONDED the motion which, PASSED by a voice vote of 6 to 0.**

**5. PUBLIC HEARING CASE # 011-1-031810 – CHRISTIAN WORSHIP CENTER – 907 C.R. 468 – REZONING**

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING OF APPROXIMATELY 4.3 +/- ACRES FROM COUNTY RP (RESIDENTIAL PROFESSIONAL) TO CITY R-2 (MEDIUM DENSITY RESIDENTIAL) TO ALLOW FOR EXPANSION OF THE ADJACENT CHURCH, CHURCH PARKING, ADULT DAYCARE AND CHILD DAYCARE FOR A PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF C.R.468, SOUTH OF LISA DARE DRIVE AND NORTH OF VEECH ROAD - **(CITY COMMISSION DATES - 1<sup>st</sup> READING ON APRIL 26, 2010 AND A 2<sup>ND</sup> READING ON MAY 10, 2010)**

Bill Wiley entered the additional exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, as well as the exhibits previously entered.

No substantive comments received from the departments and two public comments for approval were received.

Bill Wiley stated the staff recommendation is for approval for the following reasons:

- The proposed zoning district of R-2 (Medium Density residential) is compatible with adjacent properties and does not appear to create a detriment to the surrounding properties. Area of transition from residential to more intense uses and the proposed zoning will allow transition to the adjacent residential uses.
- The proposed zoning is compatible with all adjacent properties future land use designations

- The rezoning is consistent with the City's Growth Management Plan.
- Action requested, approve the rezoning and forward to the City Commission for consideration subject to approvals of the annexation and small scale comprehensive plan cases.

Charles Townsend asked Mr. Christian what level of adult daycare did they intend on providing as far as the intensity, such as people with Alzheimer's.

Mr. Christian responded with just those that need to go to work that are caring for their elderly parent. The intent is to provide an affordable option for members of our congregation that are currently in need of this sort of service. Many can't afford the expense of a full time nursing home facility and are having to quit their jobs to care for their parents. This will allow them to drop their parent off for 8 hours similar to a child daycare.

Mr. Townsend asked if there were any requirements by the state to operate this type of facility.

Mr. Christian stated yes, he wasn't familiar with them personally, but is currently doing research on the requirements. This is a long term goal and isn't currently under the development stages at this point.

**Commissioner Donald Lukich made a motion to APPROVE case # 011-1-031810 – CHRISTIAN WORSHIP CENTER – 907 C.R. 468 – REZONING. Commissioner Jo Ann Heim SECONDED the motion which, PASSED by a voice vote of 6 to 0.**

**6. PUBLIC HEARING CASE # 015-1-031810 - BRYAN SHEPHERD (METRO STEEL) – REZONING**

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 1 +/- ACRE FROM CIP (COMMERCIAL/INDUSTRIAL PLANNED) TO CITY SPUD (SMALL PLANNED UNIT DEVELOPMENT) TO ALLOW A MODULAR OFFICE FOR A PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF EAST MAIN STREET AND CLOUD STREET - **(CITY COMMISSION DATES - 1<sup>st</sup> READING ON APRIL 12, 2010 AND A 2<sup>ND</sup> READING ON APRIL 26, 2010)**

Bill Wiley entered the exhibits into the record, which included the staff summary, departmental review summary, staff recommendations, planned development conditions, general location map, aerial photo, land use and zoning maps, flood zone and wetlands determination, community redevelopment area map, site photos and conceptual site plan.

Yvette Brandt presented the following items on the overhead, general location map, aerial photo, land use and zoning maps, flood zone and wetlands map, community redevelopment area map, site photos and conceptual site plan.

No substantive comments received from the departments and one public response received that said they had no objection but did they did have a concern because they have a residence next to the property and were concerned about any increase in the parking next to their property. The site plan

that is proposed does not include any increased parking adjacent to the residence.

Bill Wiley provided a brief history on the subject property stating that they had previously been rezoned to a CIP (Commercial/Industrial Planned) zoning district and that district is no longer an active district due to the confusion of the name of the district and it is now known as a SPUD (Small Planned Unit Development). The current office building is non-conforming and due to health issues relating to mold infestation of the current modular building, they need to rezone the property to allow the use of a temporary modular building to utilize as their office space.

Bill Wiley stated the staff recommendation is for approval for the following reasons:

- The proposed zoning district of SPUD is compatible with adjacent properties and does not appear to create a detriment to the surrounding properties.
- The proposed zoning is compatible with all the current future land use designation of Industrial.
- The rezoning is consistent with the City's Growth Management Plan.
- Current setback and site coverage requirements under the existing zoning do not permit the existing structures to be rebuilt in their current locations in the event of a fire or other catastrophic occurrence. Rezoning to a planned district with conditions will allow the owner to update the existing structures in their current locations, eliminate the current non-conforming status of the buildings and allow the current offices that have a health issue with mold to be replaced.
- Action requested is for approval.

Bill Wiley stated the Planned Development Conditions as follows:

- The site is approximately 1 +/- acres. (Revised from 1.55 acres as presented in the conditions)
- The permitted uses are those listed in the conditions and shall occupy the approximate area as shown on the Conceptual Plan dated May 1, 2008.

Robert Hansen stated his name for the record and was sworn in by Amber Demott.

Robert Hansen stated he was available to answer any questions on behalf of Metro Steel.

Bill Wiley stated that a mold report had been provided to the staff showing the health risk of the current office building.

**Commissioner Wylie Hamilton made a motion to APPROVE case # 015-1-031810 - BRYAN SHEPHERD (METRO STEEL) – REZONING. Commissioner Donald Lukich SECONDED the motion which, PASSED by a voice vote of 6 to 0.**

**7. PUBLIC HEARING CASE # 014-0-031810 –LAND DEVELOPMENT CODE TEXT AMENDMENTS**

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING CHAPTER 25 ZONING OF THE CODE OF ORDINANCES SECTION 25-286(D) LIVE/WORK UNIT, SECTION 25-286(H) RESIDENTIAL USES, SECTION 25-286(I)

ACCESSORY DWELLING UNIT/GUEST HOUSE, SECTION 25-292 SUPPLEMENTAL DISTRICT REQUIREMENTS, SECTION (21) INDOOR RECREATION INTERNET/SWEEPSTAKES REDEMPTION CAFÉS, SECTION 25-336 GARDEN WALLS, FENCES, AND HEDGES, SECTION 25-474 INSTALLATION OF ELECTRICAL DISTRIBUTION SYSTEM; SECTION 25-774 FACILITY SPECIFIC REQUIREMENTS; SECTION 25-477 CONTENTS; SECTION 25-586 WORK REQUIRED IN NEW COMMERCIAL CONSTRUCTION AND RESIDENTIAL DEVELOPMENT; SECTION 25-818 DEFINITIONS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE - **(CITY COMMISSION DATES - 1<sup>st</sup> READING ON APRIL 26, 2010 AND A 2<sup>ND</sup> READING ON MAY 10, 2010)**

Bill Wiley entered the exhibits into the record, which included the departmental review summary, staff recommendations, draft ordinance text amendments and the proposed CBD core expansion map.

No substantive comments received from the departments and no public responses received. There were comments received from the City Attorney and Deputy City Manager that were addressed and incorporated.

Bill Wiley stated the staff recommended approval of the ordinance amendment of Chapter 25, Land Development Code and to forward to the City Commission for consideration.

Bill Wiley noted the reason for Sec. 25-292 Supplemental District Requirements (21) addition is to prevent any other issues such as the one that took place at a previous meeting with the distance issue between a church/school or other similar facilities and an Internet/sweepstakes redemption café.

Sec. 25-286(i) was written to regulate guest houses and accessory dwelling units.

Sec. 25-292 (21) will limit the distances of which Internet/sweepstakes redemption cafés can be in relation to churches, daycares, schools, parks and other cafés with the same use.

Wylie Hamilton asked for clarification on the measurement, was it from the property line or the actual establishment?

Bill Wiley responded it would be from the door of the establishment to the property line of the residential zoning district, daycare, school, etc.

The reasons for Sec. 25-336. Garden walls, fences, and hedges are as follows: numerous calls are received by our Code Enforcement office regarding the maintenance of fences. Type of material used for fencing will be limited to those listed.

Correction made to Sec. 25-586 on page 8, “issued by the Planning ~~and Zoning~~ Commission.”

Sec.25-818 defines certain terms utilized in the code that needed further explanation of their meanings.

- A brief discussion regarding the CBD map and the expansion



Bill Wiley stated a possible fee might be imposed on Internet Café businesses for the individual computers in the establishment. If it comes about, it will be part of the fee paid during the Business Tax Receipt process. It is not part of these amendments, but wanted note the upcoming possibility.

Roland Stults wanted clarification regarding fences and the City's jurisdiction over poorly maintained property fences.

Bill Wiley responded that the City couldn't do that before, but with this language the City will be allowed to do that.

**Commissioner Jo Ann Heim made a motion to APPROVE case # 014-0-031810 –LAND DEVELOPMENT CODE TEXT AMENDMENTS. Commissioner Wylie Hamilton SECONDED the motion which, PASSED by a voice vote of 6 to 0.**

**Discussion:**

None

The meeting adjourned at 4:40 p.m.

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Roland Stults III, Chairperson

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Jo Ann Heim, Vice Chairperson

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Amber L. Demott, Administrative Assistant II